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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,763	04/13/2001	Hiroshi Isono	109246	3912

25944 7590 07/14/2004

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ALEXANDRIA, VA 22320

EXAMINER

KING, BRADLEY T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,763

Applicant(s)

ISONO, HIROSHI

Examiner

Bradley T King

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) 3-6, 20 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 and 43 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, 13, 14, 16, 18, 19, 22, 24, 37 and 44 is/are rejected.
- 7) ☒ Claim(s) 9-12, 15, 17 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-8, 13-14, 16, 18-19, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 197 16 404.

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DE 197 16 404 discloses all the limitations of the instant claims including: a master cylinder 1 including a housing and at least two pressurizing pistons (4a, 6a) which are fluid-tightly and slidably fitted in the housing and which cooperate with the housing to define at least two pressurizing chambers (4, 6) which are isolated from each other, and wherein a working fluid in each of the at least two pressurizing chambers is pressurized by an advancing movement of a corresponding one of the at least two pressurizing pistons, a hydraulically operable brake cylinder 3 for activating a brake, and a valve device 12 having a first state 12.2 in which the pressurized fluid is delivered from the two pressurizing chambers to the brake cylinder, and a second state 12.1 in which the pressurized fluid is delivered from only one of the two chambers to the brake cylinder while the fluid discharged from the other of said two pressurizing chambers is not delivered to said brake cylinder.

Regarding claim 13, valves 12, 21 or 22 also functions as a cut-off valves.

Regarding claim 22, assisting device 10 functions to boost pressure above that of the master cylinder.

Regarding claim 24, brake pressure control valve device 20 is disposed between the assisting device and the brake cylinder.

Claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by Oka et al (US#6196641).

Oka et al disclose all the limitations of the instant claim including; a master cylinder which is operatively connected to a manually operable brake operating member

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and which partially defines a pressurizing chamber; a stroke simulator connected to the pressurizing chamber; a simulator control valve 102 electrically operable to control an operating state of the stroke simulator; and a stroke control device 77 operable to restrict the flow of to the stroke simulator, wherein the stroke simulator permits the flow of the pressurized fluid from said pressurizing chamber into said stroke simulator when the pressure of the pressurized fluid in said pressurizing chamber is higher than a predetermined value while said simulator control valve is placed in said open state. See column 30, lines 28-32. Note a predetermined pressure is required to overcome the spring force of the stroke simulator.

Claims 37 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by JP 11-341604.

JP 11-341604 disclose all the limitations of the instant claim including; a master cylinder which is operatively connected to a manually operable brake operating member and which partially defines a pressurizing chamber; a stroke simulator 15 connected to the pressurizing chamber; a simulator control valve 14 electrically operable to control an operating state of the stroke simulator; and a stroke control device 30 operable to restrict the flow of to the stroke simulator, wherein the stroke simulator permits the flow of the pressurized fluid from said pressurizing chamber into said stroke simulator when the pressure of the pressurized fluid in said pressurizing chamber is higher than a predetermined value while said simulator control valve is placed in said open state.

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Note a predetermined pressure is required to overcome the spring force of the stroke simulator.

***Allowable Subject Matter***

Claims 25-36 and 42-43 are allowed.

Claims 9-12, 15, 17, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 04/30/2004 have been fully considered but they are not persuasive.

Regarding DE 19716404, it is maintained the rejection is proper. In the second valve state, the valve device 12 does not deliver fluid to the brake cylinder. Instead, the fluid is delivered to the pump. While the pump may deliver the fluid to the brake cylinder, this function is not carried out by the valve device. It is also noted that applicant's invention comprises a check valve 124 which may deliver fluid to the brake cylinder in a second state.

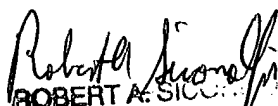
Regarding claims 37 and 44, the limitations of claim 12 have been incorporated into the claims. While claim 12 is objected to as being dependent on a rejected base claim, the limitations of its base claim (claim 1) and intervening claims have not been added to claim 37. See the rejection above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (703) 308-8346. The examiner can normally be reached on 11:00-7:30 M-F.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BTK

 7/11/04  
ROBERT A. SICCARI  
PATENT EXAMINER